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May 24, 2010

**VIA HAND DELIVERY**

Cynthia Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

ENTERED  
Office of Proceedings

MAY 24 2010

Part of  
Public Record



Re: STB Finance Docket No. 35324, Teck Metals Ltd. – Petition for  
Declaratory Order – Practices of Wheeling & Lake Erie Railway Co.

Dear Ms. Brown:

Enclosed for filing, please find an original and ten (10) copies of Teck Metals Ltd.'s Unopposed Petition to Hold Procedural Schedule in Abeyance. Expedited handling of this pleading is requested.

An additional copy of the Petition is also enclosed. Kindly indicate receipt and filing of this Motion by time-stamping the extra copy and returning it to the bearer of this letter. Thank you for your attention to this matter.

Respectfully submitted,

Stephanie M. Adams  
An Attorney for Teck Metals Ltd.

Enclosures

cc: Counsel for Wheeling & Lake Erie Ry.

227139

**TECK METALS LTD. – PETITION  
FOR DECLARATORY ORDER –  
PRACTICES OF WHEELING &  
LAKE ERIE RAILWAY COMPANY**

**Finance Docket No. 35324**

**ENTERED**  
**Office of Proceedings**

MAY 24 2010

**Part of  
Public Record**

OF COUNSEL:

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## Attorneys & Practitioners

**EXPEDITED HANDLING REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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TECK METALS LTD. – PETITION	)	
FOR DECLARATORY ORDER –	)	
PRACTICES OF WHEELING &	)	
LAKE ERIE RAILWAY COMPANY	)	
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**Finance Docket No. 35324**

**UNOPPOSED PETITION  
TO HOLD PROCEEDING IN ABEYANCE**

Petitioner Teck Metals Ltd. “Teck,” pursuant to 49 C.F.R. Part 1117, hereby petitions the Board for an expedited order directing that this declaratory order proceeding be held in abeyance, pending the parties’ conclusion of a final settlement of the matters at issue. In support of this Petition, Teck states as follows:

On November 17, 2009, Teck filed a Petition for Declaratory Order in this docket, to resolve a dispute over demurrage charges assessed by Defendant Wheeling & Lake Erie Railway Company (“W&LE”) against Teck for shipments of zinc from Trail, British Columbia to Martin’s Ferry, Ohio. The Petition was filed pursuant to an Order to Stay and Refer dated October 29, 2009, issued by the United States District Court for the Northern District of Ohio, Eastern Division, in Case Number 5:09-cv-01184. In a decision served January 22, 2010, the Board instituted the instant proceeding.

Teck was scheduled to file its Opening Statement in this case today, Monday, May 24, 2010. However, Teck and W&LE have reached an agreement in principle to settle all matters at issue in this docket. Teck anticipates that in the very near future, the parties will execute a Settlement Agreement disposing of all matters at issue and that Teck will move to dismiss this proceeding. In view of the foregoing, Teck requests that the Board hold this proceeding in abeyance. Counsel for Teck has conferred with counsel for W&LE, and is authorized to state that W&LE concurs in the relief requested. In light of the schedule in this docket, Teck requests expedited consideration of this Petition.

Respectfully submitted,


TECK METALS LTD.

By: Christine Deynaka  
Counsel  
Teck Metals Ltd.  
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Dated: May 24, 2010

Attorneys & Practitioners

**CERTIFICATE OF SERVICE**

I hereby certify that this 24<sup>th</sup> day of May, 2010, I served copies of Teck Metals Ltd.'s Unopposed Petition to Hold Proceeding in Abeyance by United States mail, first class postage prepaid on designated outside counsel for the Wheeling & Lake Erie Railway Company, as follows:

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